

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MIRROR WORLDS
TECHNOLOGIES, LLC,
Plaintiff,

v.

APPLE INC., ET AL,
Defendants.

CIVIL ACTION NO. 6:13-cv-419

JURY TRIAL DEMANDED

MIRROR WORLDS
TECHNOLOGIES, LLC,
Plaintiff,

v.

MICROSOFT CORP., ET AL,
Defendants.

CIVIL ACTION NO. 6:13-cv-941

JURY TRIAL DEMANDED

**DEFENDANT APPLE INC.'S MOTION TO SHORTEN TIME
IN SUPPORT OF ITS MOTION TO STAY DISCOVERY
PENDING DISPOSITIVE MOTIONS**

Pursuant to Local Civil Rule CV-7(e), Defendant Apple Inc. ("Apple") respectfully requests that the Court expedite briefing on Apple's Motion to Stay Discovery Pending Dispositive Motions ("Motion to Stay"), which Apple has filed concurrently with this motion, and which will be opposed by Plaintiff Mirror Worlds Technologies, LLC ("Mirror Worlds").

In its Motion to Stay, Apple asks the Court to stay discovery between Apple and Mirror Worlds pending the court's decisions on certain dispositive motions, including (1) the parties' fully-briefed cross-motions for summary judgment regarding the *Kessler* doctrine, which stand ready for decision by the Court [Dkt. Nos. 254, 262], (2) the parties' cross-motions for judgment on the pleadings regarding invalidity under 35 U.S.C. §101, which will be fully briefed and ready for decision shortly [Dkt. Nos. 292, 300], and (3) Mirror Worlds' requested motion for

summary judgment of validity based on issue preclusion (if the Court grants Mirror Worlds' request to file this motion per its letter briefing) [Dkt. No. 273].

Apple respectfully requests a shortened briefing schedule for the Motion to Stay because (1) dispositive motions by Apple and Mirror Worlds are pending on threshold issues that may dispose of all claims between them and thereby render discovery regarding those claims useless, (2) the purpose of Apple's Motion to Stay is to save the parties and the Court from wasting resources on discovery while these dispositive motions are pending, and (3) without a shortened briefing schedule, the parties would need to begin expending the very resources that the Motion to Stay seeks to conserve, as fact discovery is set to close in just a few months on June 18, 2015. Therefore Apple respectfully asks the Court to order the following shortened briefing schedule:

- **March 5, 2015:** Apple's Motion to Stay is filed.
- **March 13, 2015:** Deadline for Mirror Worlds' opposition
- **March 18, 2015:** Deadline for Apple's reply
- **March 23, 2015:** Deadline for Mirror Worlds' sur-reply

Mirror Worlds opposes Apple's request for a shortened briefing schedule. However, Apple respectfully submits that this shortened schedule is justified by the relief requested in the Motion to Stay, and that it provides more than enough time for Mirror Worlds and Apple to review and respond to each other's arguments while allowing the Court to receive all briefing quickly enough to afford meaningful relief if the Court grants the Motion to Stay.

DATE: March 5, 2015

Respectfully submitted,

/s/ Stuart M. Rosenberg

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*Attorneys For Defendant Apple Inc. and, as to
Mirror Worlds' infringement claims related to
Apple's OS X operating system, Best Buy Stores, LP
and BestBuy.com, LLC*

CERTIFICATE OF CONFERENCE

The undersigned certifies that Apple's counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that the foregoing motion is opposed. The parties met and conferred on March 3-4, 2015 via telephone and email. On March 3, William C. Rooklidge (lead counsel for Apple) and Stuart M. Rosenberg (counsel for Apple) spoke to Richard Lyon (counsel for Mirror Worlds) by telephone and asked if Mirror Worlds would agree to a shortened briefing schedule for the opposed Motion to Stay. Apple's counsel also sent Mr. Lyon an email thereafter about the shortened briefing schedule requested by Apple. On March 4, 2015, Mr. Lyon replied by e-mail that Mirror Worlds does not agree to a shortened briefing schedule. As such, discussions have conclusively ended in an impasse, leaving an open issue for the Court to resolve.

/s/ Stuart M. Rosenberg
STUART M. ROSENBERG

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 5th day of March, 2015.

/s/ Stuart M. Rosenberg
STUART M. ROSENBERG